

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

RAEQUAN BATTLE

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,

Defendant.

Case No. 1:23-CV-101-JPB

REPORT OF PARTIES' PLANNING MEETING

In accordance with Rule 26(f) of the Federal Rules of Civil Procedure and this Court's Order and Notice, Plaintiff and Defendant, by counsel, set forth the report of their planning meeting.

1. Planning Meeting

The parties conferred on **January 12, 2024**. The following counsel for Plaintiff and Defendant participated:

(a) For Plaintiff: John Gianola

(b) For Defendant: Christopher Smith

2. Pre-Discovery Disclosures

Pursuant to the Court's Order (ECF No. 18), initial disclosures under Rule 26(a) are due on February 12, 2024.

3. Joinder of Parties and Amendment of Pleadings

The parties should be allowed until **February 16, 2024** to join additional parties and

to amend the pleadings exclusive of parties who are identified through discovery or otherwise become necessary.

4. Discovery Plan

(a) Scope of Discovery

The parties contemplate that they will engage in discovery with respect to issues pertaining to the claims alleged in the Complaint and the defenses thereto. Defendant's position is that discovery should not begin until the court rules on our imminent motion to dismiss.

(b) Electronically Stored Information

ESI and other matters relating to discovery. The parties have discussed disclosure of electronically stored information and anticipate the production of such information once a protective order is entered. The parties are in the process of meeting and conferring on an agreed protective order, an agreed ESI protocol, and the appropriateness of an agreed order pursuant to Fed. R. Civ. P. Rule 502.

(c) Claims of Privilege or Protection of Trial Preparation Material

Inadvertent production of privileged material shall not be deemed a waiver of any privilege, and, if it is discovered that a party has produced privileged material, the receiving party shall promptly return the same.

(d) Complex Case

This action is suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. The basis for this belief is that this case is a federal antitrust case seeking treble damages that will require extensive economic expert analyses.

(e) Discovery Deadlines

The parties submit that discovery shall be completed by **June 27, 2025**.

(f) **Discovery Limits**

Due to the complexity, the parties submit that the discovery limits should be as follows:

- i. **Fact Depositions:** Each party may take thirty (30) depositions;
- ii. **Interrogatories:** Each party may issue twenty-five (25) interrogatories;
- iii. **Requests for Admission:** Each party may issue forty (40) requests for admission.

(g) **Expert Disclosures**

The parties agreed to exchange disclosures from expert witnesses as follows: Rule Plaintiff's Rule 26(a)(2) disclosures shall be due **December 27, 2024**; Defendant's expert disclosures due **March 28, 2025**; and disclosure of Plaintiff's experts used for rebuttal purposes due **May 24, 2025**.

5. Magistrate Judges

The parties do not consent to the exercise of jurisdiction by a United States Magistrate Judge to conduct further proceedings in this case, including for trial and entry of final judgment.

6. Mediation

Mediation should take place on or before **May 15, 2025**.

7. Dispositive Motions

The parties submit that potential dispositive motions should be filed by **August 1, 2025** responses due **August 22, 2025**; and replies due **September 5, 2025**.

8. Date of Settlement Meeting and Rule 26(a)(3) disclosures

The parties suggest that the final settlement meeting and Rule 26(a)(3) disclosures shall take place and be exchanged by **September 12, 2025**. Objections to Rule 26(a)(3) disclosures shall be due **September 19, 2025**.

9. Pretrial Conference

The parties request a pretrial conference on **October 13, 2025**. Plaintiffs shall submit a proposed pretrial order to Defendants on or before **September 26, 2025**.

Defendants shall compile a proposed integrated pretrial order and submit it to the Court on or before **October 3, 2025**.

10. Jury Instructions

The parties submit that proposed jury instructions should be exchanged and transmitted to the Court's chambers on or before **October 3, 2025**.

11. Trial

The parties submit that the case should be ready for trial by **October 20, 2025**, and at this time is expected to take approximately ten (10) days.

Dated: January 29, 2024

Respectfully submitted by:

/s/ Christopher D. Smith
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**IN THE UNITED STATES DISTRICT COURT
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RAEQUAN BATTLE,

Plaintiff,

v.

Case No. 1:23-CV-00101

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,

Defendant.

CERTIFICATE OF SERVICE

I, Christopher D. Smith, do hereby certify that on 29th day of January 2024, I filed the foregoing document titled ***Report of Parties Planning Meeting*** using the Court's CM/ECF system which will send notification to all counsel of record.

/s/ Christopher D. Smith
Christopher D. Smith (WVSB No. 13050)